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August 1991

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OMB No.: 0938-

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: South Carolina

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation	Condition or Requirement
1902(m) of the Act	(iv) For financially eligible aged and disabled individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act, meets the non-financial criteria of section 1902(m) of the Act.

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Citation	Condition or Requirement
1905(p) of the Act	b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 435. c. For financially eligible qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, meets the non-financial criteria of section 1905(p) of the Act.
1905(s) of the Act	d. For financially eligible qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, meets the non-financial criteria of section 1905(s).
42 CFR 435.402	3. Is residing in the United States and-- a. Is a citizen;
Sec. 245A of the Immigration and Nationality Act	b. Is an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, as defined in 42 CFR 435.408;
1902(a) and 1903(v) of the Act and 245A(h)(3)(B) of the Immigration & Nationality Act	c. Is an alien granted lawful temporary resident status under section 245A and 210A of the Immigration and Nationality Act if the individual is aged, blind, or disabled as defined in section 1614(a)(1) of the Act, under 18 years of age or a Cuban/Haitian entrant as defined in section 501(e)(1) and (2)(A) of P.L. 96-422;

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STATE SOUTH CAROLINA

Citation	Condition or Requirement
1902(a) and 1903(v) of the Act, P.L. 99-509 (Section 9406) Section 245A(h)(3)(B) of the Immigration and Nationality Act, P.L. 99-603 (Section 201)	c. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the in the United States under color of law, or an alien who has been granted (and maintains) temporary lawful residence status under section 245A of the Immigration and Nationality Act, but is not one of the excepted groups in section 245A(h)(3) of P.L. 99-603.
435.403 and 1902(b) of the Act, P.L. 99-272 (Section 9529) and and P.L. 99-509 (Section 9405)	4. Is a resident of the State, regardless of whether or not the the individual maintains the residence permanently or maintains it at a fixed address. — State has interstate residency agreement with the following States:

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Citation	Condition or Requirement
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- d. Is an alien granted lawful temporary resident status under section 210 of the Immigration and Nationality Act not within the scope of c. above (coverage must be restricted to certain emergency services during the five-year period beginning on the date the alien was granted such status); or
- e. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (coverage must be restricted to certain emergency services).

42 CFR 435.403
1902(b) of the
Act

- 4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address.

☐ State has interstate residency agreement with the following States:

☐ State has open agreement(s).

☐ Not applicable; no residency requirement.

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Citation	Condition or Requirement
42 CFR 435.1008	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, <i>nurs facilities and</i> intermediate care facilities, <i>for the mentally disabled</i> or publicly operated community residences that serve no more than 16 residents, or certain child care institutions.
42 CFR 435.1008 1905(a) of the Act	b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program. <input type="checkbox"/> Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.
42 CFR 433.145 1912 of the Act	6. Is required, as a condition of eligibility, to assign his or her own rights, or the rights of any other person who is eligible for Medicaid and on whose behalf the individual has legal authority to execute an assignment, to medical support and payments for medical care from any third party. (Medical support is defined as support specified as being for medical care by a court or administrative order.)

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Citation	Condition or Requirement
	<p>An applicant or recipient must also cooperate in establishing the paternity of any eligible child and in obtaining medical support and payments for himself or herself and any other person who is eligible for Medicaid and on whose behalf the individual can make an assignment; except that individuals described in §1902(1)(1)(A) of the Social Security Act (pregnant women and women in the post-partum period) are exempt from these requirements involving paternity and obtaining support. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.</p> <p>An applicant or recipient must also cooperate in identifying any third party who may be liable to pay for care that is covered under the State plan and providing information to assist in pursuing these third parties. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.</p> <p><u>/X</u> Assignment of rights is automatic because of State law.</p>
42 CFR 435.910	<p>7. Is required, as a condition of eligibility, to furnish his/her social security account number (or numbers, if he/she has more than one number) <i>except for aliens seeking medical assistance for the treatment of an emergency medical condition under section 1903(V)(2) of the Social Security Act (section 1137(P)) and newborn children who are eligible under section 1902(2)(4).</i></p>

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Citation	Condition or Requirement
1902(c)(2)	8. Is not required to apply for AFDC benefits under title IV-A as a condition of applying for, or receiving, Medicaid if the individual is a pregnant woman, infant, or child that the State elects to cover under sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.
1902(e)(10)(A) and (B) of the Act	9. Is not required, as an individual child or pregnant woman, to meet requirements under section 402(a)(43) of the Act to be in certain living arrangements. (Prior to terminating AFDC individuals who do not meet such requirements under a State's AFDC plan, the agency determines if they are otherwise eligible under the State's Medicaid plan.)

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Citation	Condition or Requirement
1906 of the Act	10. Is required to apply for enrollment in an employer-based cost-effective group health plan, if such plan is available to the individual. Enrollment is a condition of eligibility except for the individual who is unable to enroll on his/her own behalf (failure of a parent to enroll a child does not affect a child's eligibility).

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State: South Carolina

Citation	Condition or Requirement
435.725 B. <u>Post-Eligibility Treatment of Institutionalized</u>	
435.733 <u>Individuals Without Spouses</u>	
435.832	
	1. The following amounts are not considered in the posteligibility process:
1902(o) of the Act	a. SSI and SSP benefits paid under §§1611(e) (1) (E) and (G) of the Act to individuals who receive care in a hospital, nursing facility or ICF/MR.
Bondi V. Sullivan	b. Austrian Reparation Payments (pension reparation) payments made under §§500-506 of the Austrian General Social Insurance Act). Applies only if State follows SSI program rules with respect to the payments.
1902(r) (1) of the Act	c. German Reparation Payment (reparation payments made by the Federal Republic of Germany).
105/206 of P.L. 100-383	d. Japanese and Alcutian Restitution Payments.
10405 of P.L. 101-239	e. Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
6(h) (2) of P.L. 101-426	f. Radiation Exposure Compensation.
	2. The following amounts are deducted from total income in the application of an individual's or couple's income to the cost of institutional care:
	a. Personal Needs Allowance.
	(i) Aged, blind, disabled--
	Individuals \$ <u>30</u> ¹
	Couples \$ <u>60</u> ²
	For individuals with greater needs \$ <u> </u> ³
	1. \$100 if participating in a work therapy program.

¹ For individuals receiving a VA pension limited to \$90 a month under Section 8003 of P.L. 101-508, the Personal Needs Allowance is the greater of the amount permitted to be paid under Section 8003 (up to \$90) and the amount specified in this section.

² The deduction described in footnote 1 applies when either member of a couple receives a VA pension described in footnote 1.

³ Supplement 14 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and when appropriate, identifies the authority for approving that a criterion is met.

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	<p>2. For individuals who were required to establish an income trust in order to become eligible for Medicaid, the personal needs allowance includes the additional following deductions because these individuals have greater need:</p> <p>\$10 maximum monthly fee for the trustee to manage the income trust (Deduction made only if trustee charges a fee. Higher fee not to exceed \$50 is permitted only if authorized by DHHS.); and</p> <p>\$20 maximum monthly fee for bank service charges owed by the income trust, should the bank charge a fee; and</p> <p>Once per calendar year, a year deduction for federal and state income taxes should the trust owe any taxes.</p> <p>(ii) AFDC related--</p> <table><tr><td>Children</td><td>\$ <u>23</u></td></tr><tr><td>Adults</td><td>\$ <u> </u></td></tr><tr><td>With individuals with greater needs--⁴</td><td>\$ <u> </u>⁵</td></tr></table> <p>(iii) Individuals under age 21 covered in this plan as specified in Item B.7 of <u>ATTACHMENT 2.2-A</u>. \$ <u> </u> For individuals with greater need --⁶</p>	Children	\$ <u>23</u>	Adults	\$ <u> </u>	With individuals with greater needs-- ⁴	\$ <u> </u> ⁵
Children	\$ <u>23</u>						
Adults	\$ <u> </u>						
With individuals with greater needs-- ⁴	\$ <u> </u> ⁵						
435.725	<p>b. For the maintenance of each member of non-institutionalized family at home. The amount must be based on a reasonable assessment of need but must not exceed the higher of the:</p> <ul style="list-style-type: none">o AFDC level; oro Medically needy level: <table><tr><td>-AFDC level</td><td>\$ <u>X</u></td></tr><tr><td>-Medically Needy level</td><td>\$ <u> </u></td></tr><tr><td>-Other</td><td>\$ <u> </u></td></tr></table>	-AFDC level	\$ <u>X</u>	-Medically Needy level	\$ <u> </u>	-Other	\$ <u> </u>
-AFDC level	\$ <u>X</u>						
-Medically Needy level	\$ <u> </u>						
-Other	\$ <u> </u>						
435.733							
435.832							
	<p>⁴Supplement 14 to <u>Attachment 2.6-A</u> describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and where appropriate, identifies the authority for approving that a criterion is met.</p> <p>⁵For individuals receiving a VA pension limited to \$90 a month under Section 8003 of P.L. 101-508, the Personal Needs Allowance is the greater of the amount permitted to be paid under Section 8003 (up to \$90) and the amount specified in this section.</p> <p>⁶Supplement 14 to <u>Attachment 2.6-A</u> describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and where appropriate, identifies the authority for approving that a criterion is met.</p>						